

IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL
WRIT PETITION NO.776 (MS) OF 2006

Amit Kumar Sachan,
S/o Sri Pramod Kumar Sachan,
R/o 116/452, Adarsh Nagar, Rawatpur,
Kanpur. Petitioner.

Versus

1. State of Uttaranchal through its Secretary Health and Medical Department.
2. Hemwati Nandan Bahuguna Garhwal University Sri Nagar, Garhwal (Uttaranchal), through its Registrar
3. Vice Chancellor, Hemwati Nandan Bahuguna Garhwal University, Sri Nagar, Garhwal (Uttaranchal).
4. Examination Dean, Hemwati Nandan Bahuguna Garhwal University Sri Nagar, Gahrwal (Uttaranchal).
5. Rishikul Government Ayurvedic College, Haridwar, through its Principal. Respondents.

Dated: 22.6.2006

Hon'ble Rajesh Tandon, J.

Heard Sri M.K. Goyal, Advocate for the petitioner, Standing Counsel for the respondents no. 1 and 5 and Sri J.P. Joshi, Advocate for the respondents no. 2, 3 and 4.

By the present writ petition the petitioner has prayed for a writ of mandamus directing the respondents no. 2 and 3 to declare the result of the petitioner for B.A.M.S. IInd Professional Supplementary Examination 2005 for the Batch of 2001 conducted by Hemwati Nandan Bahuguna Garhwal

University Srinagar (respondent no.2) in the month of Dec. 2005-january, 2006.

Briefly stated, the petitioner took admission in the Rishikul Govt. College, Haridwar, which is affiliated with the Hemwati Nandan Bahuguna University for the degree of B.A.M.S.

The petitioner after obtaining the degree of B.A.M.S. has passed three Professional Examinations and the course of B.A.M.S. is of 4^{1/2} years.

The grievance of the petitioner is that IInd professional examination for Batch-2001, which was conducted in the year, 2005, but she could not appear in three subjects namely (1) Dravyagun Vigyan 1st and II paper (2) Swastha Vrit Ist and IInd paper (3) Ras Shastra and Bhaisijy Kalpana Ist and IInd paper. However, the result was declared on 20th October, 2005 in Gazette by respondent no. 2, since, the petitioner did not appear in the IInd professional examination 2005 Batch 2001 in three subject, the petitioner was shown as failed 'F' with permission to sit in the supplementary examination.

Thereafter, the petitioner filled up the form issued by respondents no. 2 and 5 for conducting IInd Professional Supplementary Examination, 2005 and deposited the said form along with the examination fee of Rs. 1,000/- with the respondent. Subsequently, the petitioner received admission card of IInd Professional Supplementary Examination 2005 for Batch 2001. The petitioner appeared in all the papers, which had left, but the result of the petitioner has not been declared although the result of other students have already been declared.

Petitioner has submitted that she has made a representation to the Vice Chancellor of the College through the Principal/respondent no. 5 and on the representation of

the petitioner, the Principal of the College has sent a reminder (Annexure No.5 to the writ petition). Again reminders were sent by the Dean of the University on 16th May, 2006 and 12.06.2006 (Annexures No. 6 and 7 to the writ petition).

However, in view of the above, respondents no. 2 and 3 are directed to declare the result of the petitioner for B.A.M.S. IInd Professional Supplementary Examination, 2005 for Batch 2001 as well as decide the representation of the petitioner within a period of 15 days from the date of presentation of the certified copy of the order.

Writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

21.06.2006

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